

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD SEPTEMBER 1, 2015**

CALL TO ORDER

At 7:07 p.m., Mrs. Kingsley called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

ROLL CALL

Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore, and Mr. Pirone answered present. Mayor Woodruff was absent. Also present was Township Attorney Joseph Sordillo, Township Administrator John Bussicula and Township Clerk Ana Minkoff.

FLAG SALUTE

Mrs. Kingsley asked everyone present to stand as she led the Flag Salute.

CONFERENCE SESSION -

Mrs. Kingsley asked Mr. Hall to give a brief update on Redevelopment. Mr. Hall spoke about 1) the first phase, 2) the general time frame, 3) it seemed premature to come up with a schedule, 4) the Redevelopment meeting at the Planning Board on September 16th, and 5) current discussion would be tabled until that process takes place.

TOWNSHIP COUNCIL REPORTS

Mr. Delia – Mr. Delia spoke about the 1) gates being opened at DPW (a few years ago, Mr. Delia complained about this.) Now the gates are always open (there is a lot of equipment there.) Mr. Bussicula stated that he thought there was a problem with the gate (it is “shot”) and we will have to spend money. Discussion ensued on whether money was spent on something else. Mr. Bussicula said they would get prices right away; 2) the article in Courier News. He stated that he didn’t understand why the Library and the Snyder Avenue property were being considered for redevelopment. Mr. Hall stated that it was his understanding that in order for a comprehensive review to occur then properties that may lend themselves to redevelopment would be looked at. Discussion continued. Mr. Delia asked if he would be able to speak at the Planning Board meeting. Mr. Delia stated that he was floored. He mentioned the property next to the Sewer Plant (it should never be built on.) Mr. Delia stated that we should not be selling any Township property. Discussion ensued (Mr. Hall.) Mr. Delia stated that he didn’t think the Library should be included in a Redevelopment plan. Further discussion ensued (Mr. Hall.)

Township Council Minutes
Public Meeting – September 1, 2015

Mr. Faecher – Mr. Faecher reported as follows: 1) on the affordable housing front, we were served with papers in the past week, relative to two properties: the former Kings property and 100 Locust. Mr. Faecher said his comments would be guarded as we are in the midst of litigation. Each owner was seeking to put 300 rental units on each property. His discussion ensued including some of the “paper” details. Mr. Faecher said we would work to keep the citizens apprised and work to follow the process; 2) on the environmental front, Mr. Faecher referenced a specific New Jersey law that deals with contaminated property. Mr. Faecher stated that this law required that September 1st is the due date for public notification of cleanups which are in process. He noted that we received such notices in the last few days, specifically from a) Lucent and b) the property at the corner of Emerson and Plainfield. Mr. Faecher suggested some Township procedures which could be put in place with respect to such notices. Mr. Faecher also noted that we received another “environmental” notice today regarding the property at 11 Summit. He spoke about the process there which included the applicant’s submission of a wetlands general permit application to conduct groundwater remediation.

Mr. Pastore – Mr. Pastore had nothing to report.

Mr. Pirone – Mr. Pirone asked about the parking (what was happening.) Mr. Bussiculo responded that Mr. Bocchino would be back on Thursday and he would then learn the status of the sign receipt (they are being printed.)

Mr. Hall – Mr. Hall asked the governing body to consider the economics of central garbage collection. Such proposal would include periodic bulk pickup. Mr. Bussiculo noted that we have met with Great Northern on bulk pickup occurring two or three times a year.

Mrs. Kingsley – Mrs. Kingsley stated that she wanted to give a “shout out” to the Police and Fire regarding the recent rain storm. She spoke about a) 3 swift water rescues, b) several street floodings, c) and the Police and Fire did an outstanding job servicing the emergency. She thanked them for outstanding work, as usual. Mrs. Kingsley also noted that we may want to consider using the reverse 911 (from an OEM perspective.) Discussion ensued with Acting Chief DiPasquale.

ADMINISTRATION REPORTS

Mr. Marceau – Mr. Marceau spoke about the credit card proposal. Discussion ensued on whether there was a downside, who would pay the credit card fee, what it would cost us, a municipal exemption, a convenience charge for the residents, and moving forward with this proposal.

Mr. Bussiculo – Mr. Bussiculo reported about 1) potholes and patch repair; 2) 126 miles were covered by the street sweeper; 3) 87 cubic yards of cleanings were picked up; 4) heavy rain pickup; 5) tree cleanup; 6) land striping; 7) curb repair; 8) catch basins; 9) roller on Passaic; 10) will rent a barrel claw to do the chipping; 11) Mr. Niosi is speaking to the County regarding vegetation and chipping; 12) barriers will be put up at DPW for clean stone (mulch and topsoil); 13) looking into working with someone who converts chipping into mulch; 14) there are new style street signs “out” (dictated by the State); 15) the GL mark out and signs have been ordered; 16) salt delivery occurred; 17) bulk pickup; 18) brine; 19) fire generator quotes were received; 20) stream cleaning quotes; 21) GPS quotes; 22) the Passaic River pre-construction meeting; 23) we received \$118,000 from the State for Kline and Emerson; 24) waiting for money for Park; 25) a September 4th meeting to discuss worst roads (in light of left over monies); 26) Catch basins have been ordered; 27) Fire Department Apron; 28) Fees received in Building and Construction; Applications received and permits issued; 29) suggested Council consider an ordinance for Certificate of Occupancy. Discussion ensued; 30) property tax; 31) Fall recreation sign ups; 32) the

Township Council Minutes
Public Meeting – September 1, 2015

September 12th Softball game; 33) Rapid Pump meeting at the Wastewater Department regarding pump; 34) the pump station at 50 Connell had a break; 35) the grease trap program; and 36) annual boiler inspection.

Mr. Delia asked about the program “Slam Dunk the Junk.” Discussion ensued about who did it. Mr. Delia wanted to promote it.

Moved by Mr. Pirone to accept and approve the Township Council and Administration Reports, seconded by Mr. Hall and upon roll call vote.

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

APPROVAL OF MINUTES

Moved by Mr. Delia to approve the following minutes, seconded by Mr. Pirone and upon roll call vote:

Public Meeting – August 4, 2015
Public Meeting – August 18, 2015

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

HEARING ON AGENDA ITEMS ONLY

Moved by Mr. Hall to open the Hearing on Agenda Items Only, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Hearing no voices, moved by Mr. Hall to close the Hearing on Agenda items, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCES INTRODUCED ON AUGUST 18, 2015.

The Clerk presented and read:

- (1) **“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Title 2 Entitled “Administration and Personnel” of *The Code of the Township of Berkeley Heights* to Create New Chapter 2.95 Entitled “Memorial Park Renewal Committee” to create and establish an advisory committee to assist the Township with the renewal, restoration and maintenance of the Township’s Memorial Park.”**

Moved by Mr. Pastore to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Hearing no voices, moved by Mr. Pastore to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

Moved by Mr. Pastore that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

- (2) **“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Authorizing the Lease with Our Lady of Mount Carmel Society.”**

**Township Council Minutes
Public Meeting – September 1, 2015**

Moved by Mr. Pirone to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Hall, and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Hearing no voices, moved by Mr. Pirone to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

Moved by Mr. Pirone that the ordinance as read by the Township Clerk and hearing held hereon is adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone
Nays: None
Abstain: None
Absent: None

Mrs. Kingsley asked why the third ordinance was being moved to October 6th. Mrs. Minkoff responded that the Planning Board has 35 days to review it

PUBLIC HEARING AND FINAL ADOPTION ON OCTOBER 6, 2015

- (3) “An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing the Township Land Use Ordinance to Prohibit Unregulated Pipelines in Any Zone of the Township”.**

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated September 1, 2015 in the amount of \$1,017,815.17.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

Mr. Faecher introduced the following resolution:

2. Resolution authorizing contract with Gayle Corporation, P.O. Box 542, Berwyn, PA, 19312, in the amount not to exceed \$13,400.00 for a Spare Pump at Diamond Hill Pump Station.

Moved by Mr. Faecher to approve resolution #2, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

Mr. Hall introduced the following resolution:

3. Resolution authorizing the release of a cash Performance Bond to eMedical and Mark S. Jensen DBA FSJ Contracting in the amount of \$27,300.00, for building façade and streetscape improvements at 369 Springfield Avenue, Block 208, Lot 21.

Moved by Mr. Hall to approve resolution #3, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

CONSENT AGENDA –

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

**Mr. Pastore introduced the following resolutions:
(5. a-d)**

- a. Resolution authorizing a block party on Ridge Drive, on September 12, 2015 from 3:00 p.m.–10:00 p.m. with a rain date of September 19, 2015.
- b. Resolution authorizing a block party on Baker Avenue, on September 19, 2015 from 1:00 p.m.–10:00 p.m.
- c. Resolution approving a cash bond release in the amount of \$700.00 to Richard & Stacy Braun, 90 Berkshire Drive, Berkeley Heights, NJ.
- d. Resolution appointing John M. Joyce to the active roster of the Berkeley Heights Volunteer Fire Dept.

Moved by Mr. Pastore to approve Consent Agenda resolutions #5a-d, seconded by Mr. Pirone, and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

INTRODUCTION OF ORDINANCES:

Public Hearing and Final Adoption scheduled for September 15, 2015:

The Clerk presented and read:

“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Section 2.100.100 to be entitled “Outside Employment of Off-Duty Police Officers” of Chapter 2.100 entitled “Police Division” of Title 2 entitled “Administration and Personnel” of *The Code of the Township of Berkeley Heights* to revise same.” Explanation: (This ordinance further amends and revises the requirements and procedures to retain the services of off-duty police officers of the Township of Berkeley Heights.”)

Moved by Mr. Hall that the ordinance as read by the Township Clerk be offered on the first reading, that September 15, 2015 be set as the date for public hearing and that the Township Clerk is directed to advertise same in the Courier News, seconded by Mr. Pastore and carried.

Mr. Sordillo stated that there was an error in Section C1 of the ordinance, namely the hourly rate should be \$85, not \$82 for an officer, and \$90, not \$87 for a Supervisor (he explained these changes were not an amended ordinance, rather a mistake in the carryover.)

**Township Council Minutes
Public Meeting – September 1, 2015**

Mr. Delia asked why there was an ordinance amendment – as this was just done a few months ago. Mr. Sordillo explained that there was a minor change in C5 (i.e., adding hour changes and the word “or.”)

Upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

CITIZENS HEARING

Moved by Mr. Faecher to open the Citizens hearing, seconded by Mr. Hall, and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

Mr. John Sincaglia asked Mr. Faecher about both proposed affordable housing units “filings,” specifically the Kings proposal (further stating he realized that due to litigation, he may not be able to answer.) He stated that he doesn’t know how you could fit in 300 units with enough parking in the Kings lot (and referenced an earlier proposal from a developer that included a parking deck at the Kings site.) He asked whether it was affordable housing and the parking didn’t matter (i.e., were there parking issues and restrictions.) Discussion ensued (Mr. Faecher.)

Mr. Sincaglia also asked about the YMCA letter, i.e., not wanting to renew their lease (referencing the Mayor’s comments at last Council meeting.) Mr. Sincaglia asked if there was any possibility with the YMCA considering using the Kings property.

A lengthy discussion ensued regarding the recent filed papers and the process (Mr. Faecher, Mr. Hall, Mr. Sordillo, Mr. Pirone, Mr. Delia.)

Mr. Stephen Yellin of 130 Dogwood Lane asked who are the litigants, and who is suing whom, and what are the names of the parties. Discussion ensued (Mr. Faecher, Mr. Sordillo.)

Mr. Bill Machado of 67 Berkshire Drive asked about the stream clean up (as he lives near there.) He asked when would it begin. Discussion ensued (Mr. Bussiculo.)

Hearing no voices, moved by Mr. Faecher to close the Citizens Hearing, seconded by Mr. Hall and upon roll call vote:

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

**Township Council Minutes
Public Meeting – September 1, 2015**

Mrs. Kingsley reminded all that there was no intended official action expected to be taken after the Executive Session.

EXECUTIVE SESSION –

- 1. Attorney/Client Privilege/Contract Negotiations –
Verizon Telecommunications Tower.**
- 2. Attorney/Client Privilege- Matula v. Berkeley Heights**
- 3. Attorney/Client Privilege- Litigation – Affordable Housing**

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:
(7:57 p.m.)

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:
(8:18 p.m.)

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

ADJOURNMENT

Moved by Mr. Hall to adjourn, seconded by Mr. Faecher and upon roll call vote
(8:19 p.m.)

Ayes: Mr. Delia, Mr. Faecher, Mr. Hall, Mrs. Kingsley, Mr. Pastore and Mr. Pirone.
Nays: None
Abstain: None
Absent: None

Approved: September 15, 2015